

REMARKS/ARGUMENTS

Claims

Claims 40-46, 49 and 52-54 are pending. Claim 40 is currently amended, and claims 52-54 are new. Claim 48 is cancelled with this amendment and claims 1-39, 47, 50 and 51 were previously cancelled. Claims 41-46 and 49 are as previously presented. New claims 52-54 are supported by, for example, Figure 2b. The Applicant submits that no new matter has been added.

Claim Rejections – 35 USC 112

The claims were rejected as being indefinite due to the recitations of “a locking member” on line 8 of claim 40 and “at least one lock set having a locking member” on line 26 of claim 40. Claim 40 has been amended to introduce, “at least one lockset, the lockset having a portion protruding through the front surface of the door and a locking member” in lines 7 and 8. Line 26 refers to, “the locking member of the at least one lockset”. The Applicant submits that the claims are not indefinite.

Claim Rejections – 35 USC 103

Claims 40 to 44 were rejected for obviousness over Olton (US 3271919) in view of British Application No. 2265664 and Blankenship (US 4858384). Claims 45, 46, 48 and 49 were rejected over those references as applied to claims 40-44 in view of further references. The Applicant respectfully requests reconsideration of these rejections.

Claim 40 recites a first U-shaped reinforcing member consisting of a base member and two side members. Line 16 of claim 40 further describes the side members as being, “... flat and generally rectangular ...”. On page 3, the Office Action equates the side members of the claims with elements 15 and 16 of Olton. On page 6, the Office Action further states that the flanges of Olton are part of

the side members, and that the presence of these flanges therefore does not contravene the use of the word "consisting" in the description of the first U-shaped reinforcing member. However, if the flanges of Olton are part of the side members of Olton, then the side members of Olton are not flat as required by claim 40. Accordingly, the Applicant submits that the interpretation of Olton presented in the Office Action does not provide a prima facie case of obviousness, because Olton does not provide a first U-shaped reinforcing member consisting of a base member and two flat side members.

The Applicant notes that claim 1 was previously rejected in view of Olton in an Office Action mailed on May 16, 2006. After an interview with the Examiner, the Applicant responded with an amendment on August 25, 2006. The amendment included a new claim 40 reciting a first U-shaped reinforcing member wherein each of the side members has a proximal edge and a distal edge and a substantially planar surface extending from the proximal edge to the distal edge. Remarks filed with the amendment noted that such planar surfaces distinguished the Olton device. In the following Office Action, the rejection based on Olton was not repeated. The Applicant submits that the current recitation of side members that are flat has the same meaning as side members that are substantially planar from their proximal edge to their distal edge, and that it has already been established that Olton does not have such a side member. Further, the Applicant has also included new claim 52, which includes the recitation of a planar surface of each side member from its proximal edge to its distal edge. The Applicant submits that Olton does not provide the side members of claims 40 or claim 52.

Claims 41-46, 49, 53 and 54 depend at least on claim 40 and so Olton also does not provide the side members of these claims. Regarding new claims 53 and 54, the Applicant further submits that Olton does not disclose a combination wherein the side members of the first U-shaped reinforcing member protrude from the front surface of the door and the rear surface of the door. In contrast, Olton

states at column 3, lines 12 to 17, that the thickness of the door is preferably reduced so that the legs of the door edge protector lie flush with the surfaces of the door and do not protrude or project beyond them. Since the Office Action relied on Olton to provide the side members of all of these claims, but Olton does not provide the side members of these claims, the Applicant submits that none of the claims are obvious.

The Applicant further repeats and relies on its previous arguments that it would not be obvious to combine the references. The Office Action argues that Olton clearly reinforces the door since it protects the door from being damaged. The Applicant respectfully disagrees. The damage protection that Olton provides is against "wear and tear" or "bumps and blows when, for example, furniture and other large objects are moved through doorways and by the doors in them." This sort of damage does not imply any reinforcement of the door in any sense that will be useful in resisting a break-in. More to the point, protection from the sort of damage contemplated by Olton does not in any way suggest the need to provide a second reinforcing member as claimed. In particular, Olton is concerned with the kind of damage that can occur when the edge of the door is exposed because the door is open. There is no motivation to combine this sort of protection with any second reinforcing member derived from a security system intended to keep a door closed despite an attempted break-in. Olton does not teach that his door edge protector provides a security system or increases the resistance of the door to break-ins, and so there would be no motivation to combine Olton with a second reinforcing member derived from British Application No. 2265664 or Blankenship.

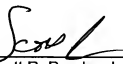
The Office Action further argues that Olton discloses substantially the same U-shaped structure as that disclosed by the applicant. The Applicant respectfully disagrees that Olton discloses substantially the same structure, or even a structure as claimed, for the reasons discussed above. Further, Olton provides

no teaching that his structure increases the resistance of a door to break-ins. It is important to avoid hindsight in an obviousness analysis and, in particular, to avoid hindsight based what the Applicant teaches in his application. In this case, there is no evidence of record that the ability of a first reinforcing member as claimed to resist break-ins was known by Olton, or anywhere in the art, prior to Applicant's teaching of it. Without that knowledge, there is no obvious reason to combine Olton with British Application No. 2265664 or Blankenship.

The Applicant also submits with this response a further declaration of Christopher Compagnaro, a finish carpenter and locksmith experienced with security systems for doors. As stated in the declaration, the combination described by Olton would appear to Mr. Compagnaro as likely to weaken the door rather than strengthen it, and a person in Mr. Compagnaro's field would not seek to combine Olton's device with a device to reinforce a door jamb.

For the reasons given above, the Applicant submits that there is no prima facie evidence that it would be obvious to combine the references as proposed in the Office Action, and that the proposed combination would not provide all of the elements of the claims. The Applicant submits that the claims are allowable.

Respectfully submitted,
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